

COMMENTS/ARGUMENTS

The Examiner noted that the claims as originally filed omitted claim5 and instructed the Applicants to renumber the claims accordingly. The claims have been renumbered as required by the Examiner. Since this is not an amendment per se, the renumbering has not been shown to be amendments.

During a phone conversation with the Examiner, David Alexander made an election to prosecute group 1, Claims 1-28. The Applicants hereby affirm that election.

The specification stands as objected to because of the issuance of the parent case referenced in the specification by its serial number only. Paragraph [0001] of the application has been amended to indicate the patent number and issue date of the parent case. It is the Applicants' position that this objection is now moot and the claims are in condition for allowance in view of same.

Claims 1-28 stand as rejected under the doctrine of obviousness type double patenting over US Patent Nos 6,174,971; 6,486,274; and 6,693,058. The Applicants respectfully assert that the present application and the cited patents all are commonly owned. By virtue of the terminal disclaimer filed concurrently herewith, the Applicants believe that the claims are now in condition for allowance in regard to this rejection.

Claims 1-28 stand as rejected under 35 U.S.C. §112, second paragraph for the following issues:

In Claim 1, line 4 requires alkyls but it is not clear whether the plural is appropriate. The term alkyls have been replaced with hydrocarbyl or substituted hydrocarbyl moieties.

In Claim 3, line 1, there is a recitation of solution, but the next three clauses are to process steps. Claim 3 has been amended to eliminate the reference to solution in the preamble.

In Claim 5, the term “reaction comprising a magnesium alkyl” is a non-sequitur. This term has been amended in Claim 5.

In Claim 5, the term “may be” is indefinite. This term has been amended in Claim 5. Please note that the other instances of this term have also been amended and further rejections treated as moot.

In Claim 5, the term “aluminum alkyl” is indefinite. This term has been amended in Claim 5.

Claim 6 is not clear because it is unclear whether a cited ratio is to a product or to reagents. The ratio is a ratio of reactants because the product is no longer an alkyl after the alcohol reaction. Please note that the other instances of this term have also been amended and further rejections treated as moot.

Claim 7 is unclear because the steps do not comprise physical entities. Claim 7 has been amended to overcome this rejection.

Claim 8 should be amended to delete the term “a.” Claim 8 has been amended according to the Examiner’s directions.

Claim 12 is rejected because it is unclear whether the term “first halogenating/titanating agent” is a blend of two titanium compounds and implies that the agent is either a halogenating agent or a titanating agent but not both simultaneously. The terms first and second halogenating/titanating agent are defined in the specification. At paragraph 46, the first agent is defined as: “The first halogenation/titanation agent is typically a mild titanation agent,

which can be a blend of a titanium halide and an organic titanate.” At paragraph 52, the second agent is defined as: “Generally, the second and third halogenation/titanation agents comprise titanium tetrachloride.” In other words, the first halogenating/titanating agent will titanate and may (or may not) halogenate.

It is not clear in Claim 12 whether the phrase “blend of two tetra-substituted titanium compounds” require that the compounds be different. It was the intent of the applicant that phrase “blend of two tetra-substituted titanium compounds” mean two different compounds.

Claim 15 is a non-sequitur regarding the phrase “reaction further comprises.” Claim 15 has been amended to correct this issue.

Claim 16 is unclear in regard to the reference of a recited ratio. This claim has been amended to resolve this issue.

Claim 18 is unclear in the use of the same symbol “R” for two different moieties and the use of A for a compound. This claim has been amended as to resolve the issue of the R symbol and the A symbol has been replaced with the term “element.”

Claim 20 is unclear in how washing is to be carried out and Ti to be measured. This claim has been amended to include the steps used in the Example.

Claim 21 is unclear in regard to the reference of a recited ratio. This claim has been amended to resolve this issue.

Claim 24 is unclear in the use of the same symbol “R” for two different moieties. This claim has been amended as to resolve the issue of the R symbol use.

In Claim 24, the term “reaction comprising a magnesium alkyl” is a non-sequitur. This term has been amended in Claim 24.

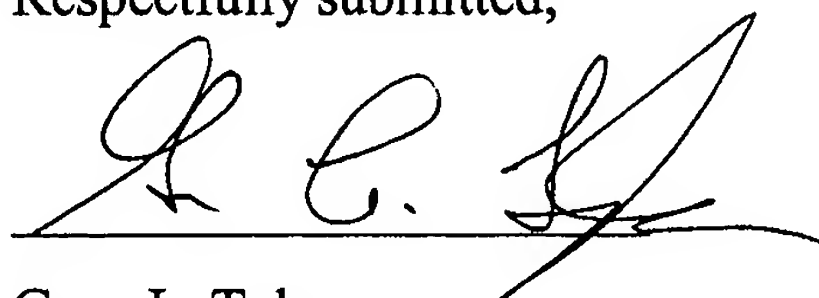
In Claim 25, the use of the symbol R is unclear regarding whether it is the same or different from the use of the same symbol in the independent claim from which it pends. In Claim 24, as now amended, R is an alkyl group of from 1-10 carbon atoms. In Claim 25, the maximum size of the alkyl group is 8 carbons. In this claim, the R has been limited to a subset of the compounds defined in Claim 24 and is believed to be a proper use of same.

Claim 28 is unclear in regard to the reference of a recited ratio. This claim has been amended to resolve this issue.

SUMMARY

The Examiner is requested to withdraw his rejection of the Claims as amended in view of the above amendments and arguments. Allowance of Claims 1-28 is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. L. Tyler', is written over a horizontal line.

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